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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,436	01/18/2002	Steven Spicer	T8466295US	4258
26912 7590 05/12/2009 GOWLING LAFLEUR HENDERSON LLP SUITE 1600, 1 FIRST CANADIAN PLACE 100 KING STREET WEST TORONTO, ON M5X 1G5 CANADA				
EXAMINER				
MISFIN, YEMANE				
ART UNIT		PAPER NUMBER		
2444				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/926,436

Applicant(s)

SPICER ET AL.

Examiner

Yemane Mesfin

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Response filed on 02/03/2009 has been entered and made of record. Claims 1-8, 10-14 and 16-21 remain pending in this application.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 1 and 3 recite a “printing data” (see at least claims 1 and 3) however, there is no proper antecedent basis in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-8, 10-14 and 16-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1 and 3 recite "...receiving a printing data from a data source..." However, the written disclosure does not support the claim terminology “printing data” or for that matter any equivalent meaning to the expression “printing data” (i.e., a print job or a print data). The “printing data” is not explicitly defined in the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, 2, 6-8, 10, 11, 18 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 calls for a system, the system comprising a proxy server disposed logically outside of a firewall for...and a polling server disposed logically behind the firewall for ... performing a function as recited in the claims. However, in support of the recited “proxy” and “polling” servers, the disclosure offers no clear description/definition of these components. Given a reasonable interpretation, an ordinary skill in the art could interpret both the “proxy server” and the “polling server” merely as software modules. Thus, a system comprising nothing more than software applications renders the system claim software per se. Bear in mind that the claim as recited does not fall within any one of the four categories of invention (i.e., a machine, a process, article of manufacture or a composition of matter).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, 10-14 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grantges (U.S. Patent Number 6,324,648) in view of Nelson (U.S. Patent Number 6,553,422)

As per claim 1, a proxy server located logically outside a firewall from a data source located outside the firewall, the proxy server having a queue for storing the received data, the printing data being associated with the network printer; [See abstract, Figure 1, Column 5 Lines 58-67: Grantges disclosed a proxy server logically located outside a firewall of an enterprise network] and a polling server located logically behind the firewall, the polling server being configured for polling the proxy server to pull the received printing data across the firewall from the queue of the proxy server to the polling server. [See Figure 1: Grantges disclosed an application gateway having therein a proxy server for receiving request messages originated from a client terminal in a public network and an enterprise server logically located behind the firewall of the enterprise network].

Grantges substantially disclosed the invention as claimed. However, Grantges failed to teach a polling server located logically behind the firewall, the polling server being configured for polling the proxy server to pull the received printing data across the firewall from the queue of the proxy server to the polling server.

However, as evidenced by the teachings of Nelson disclosed a polling server located logically behind the firewall [Nelson, Abstract, and Column 1, Line 62 through Column 2, Line 25] the polling server being configured for polling the proxy server to pull the received printing data across the firewall from the queue of the proxy server to the polling server [Nelson, Column 2, Lines 4-38, Column 1, Lines 16-18, and Column 2, Lines 1-26]. Furthermore, it is also commonly known in the art, when performing the function of polling, to determine a status of a queue that is to be polled, and to poll any received job request from the queue thereof (for example in these cited arts, see

Remer, Abstract, Column 4, Lines 35-50, Column 5, Lines 16-23, Lines 37-45 and Column 6, Lines 32-54). Having, that said, since Nelson clearly taught a polling server located logically behind the firewall [Nelson, Abstract, and Column 1, Line 62 through Column 2, Line 25] the polling server being configured for polling the proxy server to pull the received printing data across the firewall from the queue of the proxy server to the polling server [Nelson, Column 2, Lines 4-38, Column 1, Lines 16-18, and Column 2, Lines 1-26]; checking the status of a queue to be periodically polled, is implicitly disclosed. Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Nelson related to a polling server located logically behind the firewall, the polling server being configured for polling the proxy server across the firewall and have modified the teachings of Grantges related to access control of network resources in order to better facilitate security and “to access a local computer system across the Internet, where a firewall is operatively interposed between the Internet and the local computer system” Nelson Column 2, Lines 45-52.

As per claim 3, this claim has substantially the same scope functional limitations as recited in claim 1 above, and it is rejected with the same rationale.

As per claims 2 and 4, Grantges disclosed “alias” (URL) identifying the application server resource and further the application including “alias” (additional identifier of a specific function such as “/billing” implying an application involving billing information and where the “polling server” (application gateway having therein a proxy server for polling request messages) and directing the received application request to the appropriate resource accordingly. See Column 7 Lines 1-8, Column 10 and Lines 32-54).

As per claim 5, Grantges disclosed a step of directing the received data to the network resource in accordance with the associated alias name. [See Fig. 1: Grantges disclosed an application gateway having therein a proxy server for polling request messages originated from a client terminal in a public network and an enterprise server logically located behind the firewall of the enterprise network directing the request data to the appropriate network resource].

As per claims 6 and 12, Grantges disclosed an enterprise server for obtaining the received data from the polling server and for distributing the received data to the network resource [Fig.1, an application gateway distributing the requested network resource applications].

As per claims 7 and 13, wherein the alias name uniquely identifies a physical network location of the network resource and is associated with a physical property of the network resource. [These claims have similar limitation as the already rejected claim 2 above and are rejected with the same rationale. Furthermore, Grantges disclosed a URL (alias name), which is usually interchangeable or associated with an IP address that is statically or permanently assigned to a server (network resource), where the network resource is physically located some where on the network. See Column 7 Lines 1-8, Column 10 and Lines 32-54].

As per claims 8 and 14, wherein the data source is a network terminal configured for communication with the network resource. [See Fig. 1, network terminal having therein a web browser configured to communicate with the network resource in the network].

As per claims 10 and 16, Nelson disclosed that the received printing data is selected from the group comprising: text; image; and multimedia data [Nelson, Column 1, Lines 15-17, network devices including printers, where printers obviously is configured to process at least of the data formats].

As per claims 11 and 17, Nelson disclosed that the received printing data was in a format suitable for processing by the network printer [Nelson, Column 1, Lines 15-17, and Column 3, Lines 10-26, a peripheral device such as a printer performing (printing) behind a firewall].

As per claim 18, wherein the system facilitates access to a plurality of network resources [See Fig. 1, Grantges disclosed providing an access to plurality of resources (App.1, App.2, App.3 and so forth) with in the secured enterprise network].

As per claim 19, wherein the method facilitates secure access to a plurality of network resources. [See Col.3, Lines 7-16, Col. 4, Lines 23-32 and Fig. 1, Grantges disclosed a secured access using SSL ("HTTPS") referenced by #'s 54, 58, 60 and 62].

As per claims 20 and 21, wherein the network printer is associated with a user of the data source (Nelson, Column 1, Lines 15-17, and Column 3, Lines 10-26).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane Mesfin whose telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Yemane Mesfin/
Examiner, Art Unit 2144